



VIRTUAL/TELECONFERENCE
FUNERAL DIRECTORS EXAMINING BOARD
Virtual, 4822 Madison Yards Way, Madison
Contact: Adam Barr (608) 266-2112
February 16, 2021

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 A.M.

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes of November 17, 2020 (4-7)**
- C. Reminders: Conflicts of Interest, Scheduling Concerns
- D. Administrative Matters – Discussion and Consideration**
 - 1) Department, Staff and Board Updates
 - 2) Annual Policy Review **(8)**
 - 3) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities **(9-16)**
 - 4) Board Members – Term Expiration Dates
 - a. Adams, A. Dawn – 7/1/2023
 - b. Eernisse, Marc – 7/1/2022
 - c. Lengell, Eric – 7/1/2016
 - d. Michaelis, Marla – 7/1/2021
 - e. Schinkten, Joseph – 7/1/2023
- E. Legislative and Policy Matters – Discussion and Consideration**
- F. Administrative Rule Matters – Discussion and Consideration (17)**
 - 1) Draft of Report Required Under s. 227.29, Stats.
 - 2) Pending and Possible Rulemaking Matters
 - a. FD 1, Relating to Certification Courses for Funeral Director Apprentices
 - b. FD 1, Relating to Funeral Director License Applications
 - c. FD 1 and 4, Relating to Application and Continuing Education Requirements for Funeral Directors and Funeral Director Apprentices
- G. Wisconsin Funeral Director Apprenticeship Training Workbook – Discussion and Consideration**

H. COVID 19 – Discussion and Consideration

- I. Discussion and Consideration of Items Added After Preparation of Agenda:
- 1) Introductions, Announcements and Recognition
 - 2) Administrative Matters
 - 3) Election of Officers
 - 4) Appointment of Liaisons and Alternates
 - 5) Delegation of Authorities
 - 6) Education and Examination Matters
 - 7) Credentialing Matters
 - 8) Practice Matters
 - 9) Administrative Rule Matters
 - 10) Legislative and Policy Matters
 - 11) Liaison Reports
 - 12) Board Liaison Training and Appointment of Mentors
 - 13) Informational Items
 - 14) Division of Legal Services and Compliance (DLSC) Matters
 - 15) Presentations of Petitions for Summary Suspension
 - 16) Petitions for Designation of Hearing Examiner
 - 17) Presentation of Stipulations, Final Decisions and Orders
 - 18) Presentation of Proposed Final Decisions and Orders
 - 19) Presentation of Interim Orders
 - 20) Petitions for Re-Hearing
 - 21) Petitions for Assessments
 - 22) Petitions to Vacate Orders
 - 23) Requests for Disciplinary Proceeding Presentations
 - 24) Motions
 - 25) Petitions
 - 26) Appearances from Requests Received or Renewed
 - 27) Speaking Engagements, Travel, or Public Relation Requests, and Reports

J. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

- K. Deliberation of Items Added After Preparation of the Agenda
- 1) Education and Examination Matters
 - 2) Credentialing Matters
 - 3) DLSC Matters
 - 4) Monitoring Matters
 - 5) Professional Assistance Procedure (PAP) Matters
 - 6) Petitions for Summary Suspensions
 - 7) Petitions for Designation of Hearing Examiner
 - 8) Proposed Stipulations, Final Decisions and Orders
 - 9) Proposed Interim Orders
 - 10) Administrative Warnings
 - 11) Review of Administrative Warnings
 - 12) Proposed Final Decisions and Orders

- 13) Matters Relating to Costs/Orders Fixing Costs
- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-Hearing
- 21) Appearances from Requests Received or Renewed

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

M. Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

N. Open Session Items Noticed Above Not Completed in the Initial Open Session

ADJOURNMENT

NEXT MEETING: MAY 18, 2021

MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**VIRTUAL/TELECONFERENCE
FUNERAL DIRECTORS EXAMINING BOARD
MEETING MINUTES
NOVEMBER 17, 2020**

PRESENT: A. Dawn Adams, Marc Eernisse, Eric Lengell, Marla Michaelis, Joseph Schinkten (*excused at 12:18 p.m.*)

STAFF: Carl Hampton, Administrator, Division of Policy Development; Jameson Whitney, Legal Counsel; Jon Derenne, Administrative Rules Coordinator; Kevyn Radcliffe, Administrative Rules Coordinator; Kimberly Wood, Program Assistant Supervisor-Adv.; Daniel Betekhtin, Bureau Assistant; and other Department Staff

CALL TO ORDER

Marc Eernisse, Chairperson, called the meeting to order at 9:32 a.m. A quorum was confirmed with five (5) members present.

ADOPTION OF AGENDA

MOTION: Marla Michaelis moved, seconded by Joseph Schinkten, to adopt the Agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES OF AUGUST 25, 2020

MOTION: Marla Michaelis moved, seconded by Joseph Schinkten, to approve the Minutes of August 25, 2020 as published. Motion carried unanimously.

PUBLIC HEARING: CLEARINGHOUSE RULE FD 1, RELATING TO APPLICATION MATERIALS

Review and Respond to Public Comments and Clearinghouse Reports

MOTION: Joseph Schinkten moved, seconded by Marla Michaelis, to accept all Clearinghouse comments for Clearinghouse Rule (CR) 20-044 (FD 1), relating to application materials. Motion carried unanimously.

MOTION: Marla Michaelis moved, seconded by A. Dawn Adams, to authorize the Chairperson to approve the Legislative Report and Draft for CR 20-044 (FD 1), relating to application materials, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**PUBLIC HEARING: CLEARINGHOUSE RULE FD 1 AND 4, RELATING TO
EDUCATION AND CONTINUING EDUCATION FOR LICENSURE**

Review and Respond to Public Comments and Clearinghouse Reports

MOTION: A. Dawn Adams moved, seconded by Joseph Schinkten, to accept all Clearinghouse comments for CR 20-045 (FD 1 and 4), relating to education and continuing education required for licensure. Motion carried unanimously.

MOTION: Marla Michaelis moved, seconded by Joseph Schinkten, to authorize the Chairperson to approve the Legislative Report and Draft for CR 20-045 (FD 1 and 4), relating to education and continuing education required for licensure, for submission to the Governor's Office and Legislature. Motion carried unanimously.

ADMINISTRATIVE RULE MATTERS

Status Updates on Pending Rules

EmR 2019 – FD 1 Certification Courses for FD Apprentices

MOTION: Joseph Schinkten moved, seconded by Marla Michaelis, to authorize the Chairperson to approve a request to JCRAR for a 2nd extension of EmR 2019, relating to FD 1 Certification Courses for FD Apprentices. Motion carried unanimously.

Administrative Rules Reporting Requirements Under s. 227.29, Stats.

MOTION: Marc Eernisse moved, seconded by Eric Lengell, to designate Joseph Schinkten (FD 1), A. Dawn Adams (FD 2), Marla Michaelis (FD 3), Eric Lengell (FD 4) and Marc Eernisse (FD 6), to serve as liaisons to DSPP staff for drafting a report pursuant to Wis. Stat. s. 227.29 for submission in 2021, relating to administrative rules, and to authorize the Chairperson, or highest-ranking officer, or longest serving member of the board, in order of succession, to approve the report for submission to the Joint Committee for Review of Administrative Rules. Motion carried unanimously.

CLOSED SESSION

MOTION: Joseph Schinkten moved seconded by Marla Michaelis, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85(1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85(1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.). Marc Eernisse, Chairperson, read the language of the motion. The vote of each member was ascertained by

voice vote. Roll Call Vote: A. Dawn Adams-yes; Marc Eernisse-yes; Eric Lengell-yes; Marla Michaelis-yes; and Joseph Schinkten-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:12 a.m.

DELIBERATION ON DLSC MATTERS

Proposed Stipulations, Final Decisions, and Orders

16 FDR 002, 16 FDR 020, and 19 FDR 010 – JD Davis Enterprises, LLC, d.b.a. JD Davis Funeral

MOTION: Joseph Schinkten moved seconded by A. Dawn Adams, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against JD Davis Enterprises, LLC, d.b.a. JD Davis Funeral Home, DLSC Case Numbers 16 FDR 002, 16 FDR 020, and 19 FDR 010. Motion carried. Opposed: Marc Eernisse

16 FDR 020, 19 FDR 010, and 19 FDR 014 – Cheryl L. Shilts

MOTION: Marc Eernisse moved, seconded Marla Michaelis, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Cheryl L. Shilts, DLSC Case Numbers 16 FDR 020, 19 FDR 010, and 19 FDR 014. Motion carried unanimously.

18 FDR 009 – Tim S. Bratley, Bratley Funeral Home

MOTION: Marla Michaelis moved, seconded by Marc Eernisse, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Tim S. Bratley, Bratley Funeral Home, DLSC Case Number 18 FDR 009. Motion carried unanimously.

19 FDR 007 – Jeffrey J. Stahl, Stahl Funeral Home, LLC

MOTION: Joseph Schinkten moved, seconded by Eric Lengell, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jeffrey J. Stahl, Stahl Funeral Home, LLC, DLSC Case Number 19 FDR 007. Motion carried unanimously.

Case Closing

18 FDR 017 – M.T., T.N.P.M.

MOTION: Joseph Schinkten moved, seconded by A. Dawn Adams, to close DLSC Case Number 18 FDR 017, against M.T. and T.N.P.M., for No Violation. Motion carried unanimously.

RECONVENE TO OPEN SESSION

MOTION: Marla Michaelis moved, seconded by Marc Eernisse, to reconvene into Open Session. Motion carried unanimously.

The Board reconvened into Open Session at 12:17 p.m.

VOTE ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION IF VOTING IS APPROPRIATE

MOTION: Eric Lengell moved, seconded by Marla Michaelis, to affirm all motions made and votes taken in Closed Session. Motion carried unanimously.

(Be advised that any recusals or abstentions reflected in the Closed Session motions stand for the purposes of the affirmation vote.)

(Joseph Schinkten was disconnected at 12:18 p.m.)

ADJOURNMENT

MOTION: A. Dawn Adams moved, seconded by Marla Michaelis, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 12:20 p.m.


**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

| | | | |
|---|--|---|--|
| 1) Name and Title of Person Submitting the Request: Kimberly Wood, Program Assistant Supervisor-Adv. | | 2) Date When Request Submitted: 12/29/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | |
| 3) Name of Board, Committee, Council, Sections: All Boards | | | |
| 4) Meeting Date: | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? Annual Policy Review | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: N/A | |
| 10) Describe the issue and action that should be addressed: Please be advised of the following Annual Policy Review items: <ol style="list-style-type: none"> 1. Attendance/Quorum: Thank you for your service and for your commitment to meeting attendance. If you cannot attend a meeting or if you have scheduling conflicts impacting your attendance, please let us know ASAP. Timely notification is appreciated as quorum is required for our Boards, Sections and Councils to meet pursuant to Open Meetings Law. 2. Walking Quorum: Please refrain from discussing Board/Section/Council business with other members outside of legally noticed meetings so to avoid walking quorum issues pursuant to Open Meetings Law. 3. Agenda Deadlines: Please communicate agenda topics to your Executive Director before the agenda submission deadline which is 8 business days prior to a meeting. 4. Travel Voucher and Per Diem Submissions: Please submit all Per Diem and Reimbursement claims to DSPS within 30 days of the close of each month in which expenses are incurred. 5. Lodging Accommodations/Hotel Cancellation Policy: Lodging accommodations are available to eligible members. Standard eligibility: member must leave home before 6:00 a.m. to attend a meeting by the indicated start time. <ul style="list-style-type: none"> • If a member cannot attend a meeting it is their responsibility to cancel their reservation within the applicable cancellation timeframe. If a meeting is changed to occur remotely or is cancelled or rescheduled DSPS staff will cancel or modify reservations as appropriate. 6. Inclement Weather Policy: In the event of inclement weather the agency may change a meeting from an in-person venue to one that is executed remotely. | | | |
| 11) Authorization | | | |
| <i>Kimberly Wood</i> | | 12/29/2020 | |
| Signature of person making this request | | Date | |
| Supervisor (if required) | | Date | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | Date | |
| Directions for including supporting documents: <ol style="list-style-type: none"> 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

| | | | | | | | |
|--|--|---|--|---|------|--------------------------|------|
| 1) Name and Title of Person Submitting the Request: Daniel Betekhtin, Bureau Assistant | | 2) Date When Request Submitted: 12/21/2020 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small> | | | | | |
| 3) Name of Board, Committee, Council, Sections: Funeral Directors Examining Board | | | | | | | |
| 4) Meeting Date: 2/16/2021 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Administrative Matters 1) Election of Officers, Appointment of Liaisons and Alternates, Delegation of Authorities | | | | | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: N/A | | | | | |
| 10) Describe the issue and action that should be addressed: 1) The Cemetery Board should conduct Election Officers: Chairperson, Vice Chairperson & Secretary 2) The newly elected Chairperson should review and appoint/reappoint Liaisons and Alternates as appropriate 3) The Board should review and then consider its existing delegated authorities and any proposals for modification of delegations. <ul style="list-style-type: none"> a. Credentialing Delegations (Questions: Sarah Norberg) b. Monitoring Delegations (Questions: Amy Mayo) c. Pre-Screening Delegations (Questions: Renee Parton - Business) | | | | | | | |
| 11) Authorization <div style="display: flex; justify-content: space-between; align-items: flex-end;"> <div style="width: 60%;">  </div> <div style="width: 35%; text-align: right;"> 12/21/2020 </div> </div> <hr/> <table style="width: 100%; border: none;"> <tr> <td style="width: 70%; border: none;">Signature of person making this request</td> <td style="width: 30%; border: none; text-align: right;">Date</td> </tr> <tr> <td style="border: none;">Supervisor (if required)</td> <td style="border: none; text-align: right;">Date</td> </tr> </table> <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date | | | | Signature of person making this request | Date | Supervisor (if required) | Date |
| Signature of person making this request | Date | | | | | | |
| Supervisor (if required) | Date | | | | | | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | | | | | |

FUNERAL DIRECTORS EXAMINING BOARD

2020 Elections and Liaison Appointments

| ELECTION RESULTS | |
|-------------------------|-----------------|
| Chairperson | Marc Eernisse |
| Vice Chairperson | Marla Michaelis |
| Secretary | A. Dawn Adams |

Appointment of Liaisons and Alternates

| LIAISON APPOINTMENTS | |
|---|---|
| Credentialing Liaison | Marla Michaelis <i>Alternate: Marc Eernisse</i> |
| Monitoring and Professional Assistance Procedure (PAP) Liaison | Joseph Schinkten <i>Alternate: Marc Eernisse</i> |
| Legislative Liaison | Marc Eernisse <i>Alternate: Marla Michaelis</i> |
| Continuing Education Liaison | A. Dawn Adams <i>Alternate: Marc Eernisse</i> |
| Travel Liaison | Marc Eernisse <i>Alternate: Marla Michaelis</i> |
| Screening Panel | A. Dawn Adams, Eric Lengell, Joseph Schinkten <i>Alternate: Marla Michaelis</i> |

Document Signature Delegations

MOTION: Eric Lengell moved, seconded by A. Dawn Adams, to delegate authority to the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to sign documents on behalf of the Board in order to carry out its duties. Motion carried unanimously.

MOTION: Eric Lengell moved, seconded by Joseph Schinkten, in order to carry out duties of the Board, the Chairperson (or in absence of the Chairperson, the highest-ranking officer or longest serving board member in that

succession) has the ability to delegate signature authority for purposes of facilitating the completion of assignments during or between meetings. The members of the Board hereby delegate to the Executive Director or DPD Division Administrator, the authority to sign on behalf of a board member as necessary. Motion carried unanimously.

Delegated Authority for Urgent Matters

MOTION: Marla Michaelis moved, seconded by Eric Lengell, that in order to facilitate the completion of urgent matters between meetings, the Board delegates its authority to the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession), to appoint liaisons to the Department to act in urgent matters. Motion carried unanimously.

Delegation to Chief Legal Counsel Due to of Loss of Quorum

MOTION: Marla Michaelis moved, seconded by A. Dawn Adams, to delegate the review of disciplinary cases to the Department’s Chief Legal Counsel due to lack of/loss of quorum. Motion carried unanimously.

Monitoring Delegations

MOTION: Eric Lengell moved, seconded by Joseph Schinkten, to adopt the “Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor” as presented in the January 22, 2020 agenda materials. Motion carried unanimously.

Credentialing Authority Delegations

Delegation of Authority to Credentialing Liaison

MOTION: Eric Lengell moved, seconded by Marc Eernisse, to delegate authority to the Credentialing Liaison(s) to serve as a liaison between DSPS and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them. Motion carried unanimously.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: Marla Michaelis moved, seconded by A. Dawn Adams, to delegate credentialing authority to DSPS to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review. Motion carried unanimously.

Delegation of Authority to Credentialing Liaison for Inspections When Change of Ownership Occurs

MOTION: Joseph Schinkten moved, seconded by A. Dawn Adams, to delegate authority to the Credentialing Liaison to determine if an establishment inspection is required when changes of ownership occur. Motion carried unanimously.

Delegated Authority for Application Denial Reviews

MOTION: Marc Eernisse moved, seconded by Marla Michaelis, that the Department's Attorney Supervisors, DLSC Administrator, or their designee are authorized to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential. Motion carried unanimously.

Continuing Education Delegation

MOTION: A. Dawn Adams moved, seconded by Marla Michaelis, to delegate authority to the Continuing Education Liaison(s) to review all issues related to continuing education, but to refer all matters that require action to the Board. Motion carried unanimously.

Authorization for DSPS to Provide Board Member Contact Information to National Regulatory Related Bodies

MOTION: Marla Michaelis moved, seconded by Joseph Schinkten, to authorize DSPS staff to provide national regulatory related bodies with all board member contact information that DSPS retains on file. Motion carried unanimously.

Voluntary Surrender Delegation – Declined 1/22/2020

Optional Renewal Notice Insert Delegation

MOTION: Marla Michaelis moved, seconded by Eric Lengell to designate the Chairperson (or, in the absence of the Chairperson, the highest-ranking officer or longest serving board member in that succession) to provide a brief statement or link relating to board-related business within the license renewal notice at the Board's or Board designee's request. Motion carried unanimously.

Legislative Liaison Delegation

MOTION: A. Dawn Adams moved, seconded by Joseph Schinkten, to delegate authority to the Legislative Liaisons to speak on behalf of the Board regarding legislative matters. Motion carried unanimously.

Travel Delegation

MOTION: Marla Michaelis moved, seconded by A. Dawn Adams, to delegate authority to the Travel Liaison to approve any board member travel. Motion carried unanimously.

Roles and Authorities Delegated for Monitoring

The Monitoring Liaison (“Liaison”) is a Board/Section designee who works with department monitors (“Monitor”) to enforce Board/Section orders as explained below.

~~Current~~ Authorities Delegated to the Monitoring Liaison

The Liaison may take the following actions on behalf of the Board/Section:

1. Grant a temporary reduction in random drug screen frequency upon Respondent’s request if he/she is unemployed and is otherwise compliant with Board/Section order. The temporary reduction will be in effect until Respondent secures employment in the profession. The Department Monitor (“Monitor”) will draft an order and sign on behalf of the Liaison.
2. Grant a stay of suspension if Respondent is eligible per the Board/Section order. The Monitor will draft an order and sign on behalf of the Liaison.
3. Remove the stay of suspension if there are repeated violations or a substantial violation of the Board/Section order. In conjunction with removal of any stay of suspension, the Liaison may prohibit Respondent from seeking reinstatement of the stay for a specified period of time. The Monitor will draft an order and sign on behalf of the Liaison.
4. Grant or deny approval when Respondent proposes continuing/~~disciplinary~~/remedial education courses, treatment providers, mentors, supervisors, change of employment, etc. unless the order specifically requires full-Board/Section approval.
5. Grant a maximum of one 90-day extension, if warranted and requested in writing by Respondent, to complete Board/Section-ordered continuing/~~disciplinary~~/remedial education.
6. Grant a maximum of one extension or payment plan for proceeding costs and/or forfeitures if warranted and requested in writing by Respondent.
7. Grant a maximum of one extension, if warranted and requested in writing by Respondent, to complete a Board/Section-ordered evaluation or exam.
- ~~7.8.~~ Grant full reinstatement of licensure if Respondent has fully complied with all terms of the order without deviation. The Monitor will draft an order and obtain ~~the signature of~~ written authorization from the Liaison to sign on their behalf.
- ~~8.9.~~ Grant or deny a request to appear before the Board/Section in closed session.
- ~~9.10.~~ Board Monitoring The Liaison may determine whether Respondent’s petition is eligible for consideration by the full Board/Section.
- ~~10.11.~~ (*Except Pharmacy and Medical*) Accept Respondent’s written request to surrender credential. If accepted by the Liaison, Monitor will consult with Board Counsel to determine if a stipulation is necessary. If a stipulation is not necessary, Monitor will draft an order and sign on behalf of the Liaison. If denied by the Liaison, the request to surrender credential will go to the full Board for review.

~~11.12.~~ *(Except Pharmacy)* Grant Respondent's petition for a reduction in drug screens per the standard schedule, below. If approved, Monitor will draft an order and sign on behalf of the Liaison. Orders that do not start at 49 screens will still follow the same standard schedule.

- a. ~~Initial Year 1:~~ 49 screens (including 1 hair test, if required by original order)
- b. ~~1st Reduction Year 2:~~ 36 screens (plus 1 hair test, if required by original order)
- c. ~~2nd Reduction Year 3:~~ 28 screens plus 1 hair test
- ~~d. Year 4: 28 screens plus 1 hair test~~
- ~~e. Year 5: 14 screens plus 1 hair test~~
- d. 3rd Reduction: 14 screens plus 1 hair test

~~12.13.~~ *(Dentistry only)* Ability to approve or deny all requests from a respondent.

~~13.14.~~ *(Except Nursing)* ~~Board Monitoring~~ The Liaison may approve or deny Respondent's request to be excused from drug and alcohol testing for work, travel, etc.

~~Current~~ Authorities Delegated to the Department Monitor

The Monitor may take the following actions on behalf of the Board/Section, draft an order and sign:

1. Grant full reinstatement of licensure if education ~~CE~~ is the sole condition of the limitation and Respondent has submitted the required proof of completion for approved courses.
2. Suspend the license if Respondent has not completed Board/Section-ordered education ~~CE~~ and/or paid costs and forfeitures within the time specified by the Board/Section order. The Monitor may remove the suspension and issue an order when proof of completion and/or payment have been received.
3. Suspend the license (or remove stay of suspension) if Respondent fails to enroll and participate in an Approved Program for drug and alcohol testing within 30 days of the order, or if Respondent ceases participation in the Approved Program without Board approval. This delegated authority only pertains to respondents who must comply with drug and/or alcohol testing requirements.

Authorities Delegated to Board Legal Counsel

Board Legal Counsel may take the following actions on behalf of the Board/Section:

1. Sign Monitoring orders that result from Board/Section meetings on behalf of the Board/Section Chair.

PROPOSED 2021 CREDENTIALING DELEGATION MOTIONS

Delegation of Authority to Credentialing Liaison

MOTION: to delegate authority to the Credentialing Liaison(s) to serve as a liaison between the Department and the Board and to act on behalf of the Board in regard to credentialing applications or questions presented to them, including the signing of documents related to applications.

Delegation of Authority to DSPS When Credentialing Criteria is Met

MOTION: to delegate credentialing authority to the Department to act upon applications that meet all credentialing statutory and regulatory requirements without Board or Board liaison review.

Delegation of Authority for Predetermination Reviews

MOTION: to delegate authority to the Department Attorneys to make decisions regarding predetermination applications pursuant to Wis. Stat. § 111.335(4)(f).

Delegation of Authority for Conviction Reviews

MOTION: to delegate authority to the Department Attorneys to review and approve applications with convictions which are not substantially related to the business of a funeral director.

Or, alternatively,

MOTION: to delegate authority to Department Paralegals to review and approve applications with [optional: up to X] municipal/ordinance violations which are not substantially related to the business of a funeral director.

MOTION: to delegate authority to Department Attorneys to review and approve applications with [optional: up to X] municipal/ordinance violations and misdemeanors [optional: each more than X years old and] which are not substantially related to the business of a funeral director.

Delegation to DSPS When Applicant's History Has Been Previously Reviewed

MOTION: to delegate authority to Department staff to approve applications where criminal background checks have been approved for a previous credential issued by the Board and there is no new conviction record.

Delegation of Authority for Reciprocity Reviews

MOTION: to delegate authority to the Department Attorneys to review and approve reciprocity applications in which the out of state license requirements are substantially equal to the Board's requirements.

Delegated Authority for Application Denial Reviews

MOTION: to delegate authority to the Department's Attorney Supervisors to serve as the Board's designee for purposes of reviewing and acting on requests for hearing as a result of a denial of a credential.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

| | | | |
|--|---|---|--|
| 1) Name and Title of Person Submitting the Request: Dale Kleven Administrative Rules Coordinator | | 2) Date When Request Submitted: 2/4/21 Items will be considered late if submitted after 12:00 p.m. on the deadline date: ▪ 8 business days before the meeting | |
| 3) Name of Board, Committee, Council, Sections: Funeral Directors Examining Board | | | |
| 4) Meeting Date: 2/16/21 | 5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | 6) How should the item be titled on the agenda page? Administrative Rule Matters – Discussion and Consideration 1. Draft of Report Required Under s. 227.29 2. Pending or Possible Rulemaking Projects a. FD 1, Relating to Certification Courses for Funeral Director Apprentices b. FD 1, Relating to Funeral Director License Applications c. FD 1 and 4, Relating to Application and Continuing Education Requirements for Funeral Directors and Funeral Director Apprentices | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input checked="" type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | |
| 10) Describe the issue and action that should be addressed: | | | |
| 11) <i>Dale Kleven</i> <hr/> Signature of person making this request | | Authorization <i>February 4, 2021</i> <hr/> Date | |
| <hr/> Supervisor (if required) | | <hr/> Date | |
| <hr/> Executive Director signature (indicates approval to add post agenda deadline item to agenda) Date | | | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | |